

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSEPH WILBORN,

Plaintiff,

v.

DAVID EALEY, *et al.*,

Defendants.

Case No. 13-cv-70-JPG-PMF

ORDER

This matter comes before the Court on the motion of defendants Lakeisha Hamby and Shelby Dunn to continue the August 27, 2015, evidentiary hearing on plaintiff Joseph Wilborn's motion to reconsider and for clarification as to the matters on which the Court would like to take evidence at that hearing (Doc. 248).

The Court **GRANTS** the motion (Doc. 248), **VACATES** the evidentiary hearing set for August 27, 2015, and **ORDERS** that the hearing is changed to August 26, 2015, at 1:30 p.m. in Benton, Illinois. The Court further **CLARIFIES** that it would like to explore at this hearing facts regarding (1) whether Wilborn's alleged September 23, 2011, sending of a grievance to his counselor actually occurred, (2) whether those efforts, if they occurred, constituted filing a written grievance under 20 Ill. Admin. Code 504.810(a) under the terms of the regulation or using another "accepted means of submitting a grievance" within the prison, *see Curtis v. Timberlake*, 436 F.3d 709, 711-12 (7th Cir. 2005), and (3) any other factual matters made relevant by these specific concerns.

IT IS SO ORDERED.

DATED: July 30, 2015

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE